

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMIR ANNABI,

Plaintiff,

v.

Case No. 1:20-cv-122

LIVE NATION WORLDWIDE, INC., et
al.,

Hon. Hala Y. Jarbou

Defendants.

ORDER

Before the Court is Defendants' motion in limine, which asks the Court preclude Plaintiff from presenting any evidence of lost income. (Mot. in Limine, ECF No. 46.) Defendants anticipate that Plaintiff will testify that "due to his alleged injuries, he is no longer capable of securing work and earning an income." (*Id.* at 9.) But, according to Defendants, such testimony would be speculative and lacking a reasonable basis in fact because Plaintiff failed to provide Defendants with evidence of his prior, current, or potential future income. Also, Defendants contend that Plaintiff's current inability to work stems from factors unrelated to his injury, such as the COVID-19 pandemic, his personal decision to quarantine, and the death of his former employer.

Defendants' motion will be denied because their arguments go primarily to the weight of Plaintiff's evidence, not its admissibility. The jury is responsible for deciding how much weight to give Plaintiff's testimony, not the Court. When Plaintiff testifies, Defendants will be free to cross-examine him about other reasons for his current unemployment. Also, Defendants will be free to object to testimony that lacks a sufficient basis under the Federal Rules of Evidence, and

the Court will consider those objections as they are raised. Without knowing more about the content of that testimony, however, the Court cannot fairly assess its admissibility.

In addition, after Plaintiff presents his case, Defendants will have an opportunity to argue that his evidence is legally insufficient to prove economic damages. The Court cannot make that assessment at this stage, however, and a motion in limine is not the proper mechanism for raising that issue.

Finally, it appears that Plaintiff may have disclosed some of his evidence (e.g., tax returns) to Defendants for the first time in his response to Defendants' motion. As a general matter, the Court will not permit parties to introduce evidence that was not timely and properly disclosed. The Court will consider objections on those grounds if and when raised.

Accordingly,

IT IS ORDERED that Defendants' motion in limine (ECF No. 46) is **DENIED**.

Dated: December 8, 2021

/s/ Hala Y. Jarbou
HALA Y. JARBOU
UNITED STATES DISTRICT JUDGE